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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MARKET PLACE NORTH
11 CONDOMINIUM ASSOCIATION, a
12 Washington non-profit corporation,

13 Plaintiff,

14 v.

15 AFFILIATED FM INSURANCE
16 COMPANY,

17 Defendant.

Case No. C17-625RSM

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION

18 This matter comes before the Court on Defendant's May 18, 2018, Motion for
19 Reconsideration. Dkt. #45. Plaintiff has filed a Response, Dkt. #50, at the Court's direction.
20 *See* LCR 7(h)(3).

21 Defendant argues the Court made two factual misstatements in its May 7, 2018, Order
22 granting in part Plaintiff's Motion for Partial Summary Judgment, Dkt. #37. Specifically,
23 Defendant states:
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25 As part of the "Background" section of the Court's Order, the
26 Court included the following: "The intrusive investigation was
27 scheduled to begin in May of 2017, and AFM eventually agreed to
28 participate **and pay half of the associated costs**, estimated to be
around \$150,000. *See* Dkt. #20-6. . . . In June, around the time the
investigation was ending, **AFM advised that it had changed its**

1 position and was now unwilling to pay any of the costs
2 associated with the investigation.” See Dkt. #20-6. AFM
3 respectfully brings this Motion for Reconsideration solely to ask
4 the Court to correct the record as to the statements highlighted
5 above, which the document at Dkt. #20-6 does *not* support and
6 which were controverted by other evidence that AFM submitted
7 with its Response to MPN’s Motion for Summary Judgment.

8 Dkt. #45 at 2 (emphasis in original) (reformatted for clarity). Defendant cites to significant
9 factual evidence to support its position. See *id.*


10 In Response, Plaintiff does not challenge Defendant’s presentation of facts or citations
11 to the record. Instead, Plaintiff argues that the Court’s statements in the prior Order were not
12 findings of fact, and “all of that is still to be adjudicated at a later date because nothing in the
13 Court’s May 7 Order disposed of those issues.” Dkt. #50 at 1–2.

14 “Motions for reconsideration are disfavored.” LCR 7(h)(1). “The court will ordinarily
15 deny such motions in the absence of a showing of manifest error in the prior ruling or a
16 showing of new facts or legal authority which could not have been brought to its attention
17 earlier with reasonable diligence.” *Id.*

18 The Court appreciates Defendant’s desire to set the factual record straight. However,
19 the Court’s factual statements in the “Background” section of its May 7 Order were not
20 material to its decision to deny summary judgment as to Plaintiff’s claims. See Dkt. #37.
21 These facts were not material to the Court’s finding that “The Association’s 2015-16 AFM all-
22 risk property policy covers both water intrusion damage and mold.” See *id.* Accordingly,
23 Defendant’s right to raise this issue at a later date is preserved, and this Motion for
24 Reconsideration is properly denied as moot.

25 Having reviewed the relevant briefing and the remainder of the record, the Court hereby
26 finds and ORDERS that Defendant’s Motion for Reconsideration, Dkt. #45, is DENIED.
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2 DATED this 30 day of May, 2018.
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6 RICARDO S. MARTINEZ
7 CHIEF UNITED STATES DISTRICT JUDGE
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